

By: Blanco

H.B. No. 393

A BILL TO BE ENTITLED

AN ACT

relating to certain unlawful employment practices regarding compensation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle A, Title 2, Labor Code, is amended by adding Chapter 24 to read as follows:

CHAPTER 24. UNLAWFUL EMPLOYMENT PRACTICES REGARDING COMPENSATION

Sec. 24.001. DEFINITIONS. In this chapter:

(1) "Applicant" means a person who has made an oral or written application with an employer, or has sent a resume or other correspondence to an employer, indicating an interest in employment.

(2) "Commission" means the Texas Workforce Commission.

(3) "Employer" has the meaning assigned by Section 21.002.

(4) "Fringe benefit" has the meaning assigned by Section 215.001.

(5) "Wage history information" means information on wages and fringe benefits.

(6) "Wages" has the meaning assigned by Section 61.001.

Sec. 24.002. EMPLOYER INQUIRY INTO AND CONSIDERATION OF WAGE HISTORY INFORMATION. (a) An employer commits an unlawful

1 employment practice in violation of this chapter if the employer:

2 (1) includes a question regarding an applicant's wage
3 history information on an employment application form;

4 (2) inquires into an applicant's wage history
5 information;

6 (3) considers an applicant's wage history information
7 in determining:

8 (A) whether to hire the applicant; or

9 (B) the wages to be paid to the applicant or the
10 fringe benefits to be provided in connection with the applicant's
11 employment; or

12 (4) obtains an applicant's wage history information
13 from a previous employer of the applicant or other source, unless
14 the wages in that previous employment position are subject to
15 disclosure under Chapter 552, Government Code.

16 (b) Notwithstanding Subsection (a)(3)(B), if an applicant
17 voluntarily discloses the applicant's wage history information to
18 an employer, the employer may consider that information in
19 determining the applicant's wages and fringe benefits.

20 Sec. 24.003. EMPLOYER PROVISION OF PAY SCALE. On
21 reasonable request, an employer shall provide to an applicant a pay
22 scale for the employment position for which the applicant is
23 applying.

24 Sec. 24.004. RETALIATION PROHIBITED. An employer commits
25 an unlawful employment practice in violation of this chapter if the
26 employer takes an adverse action or otherwise discriminates against
27 a person because the person has:

- 1 (1) opposed an act or practice made unlawful by this
2 chapter;
3 (2) sought to enforce rights protected under this
4 chapter; or
5 (3) testified, assisted, or participated in any manner
6 in an investigation, hearing, or other proceeding to enforce this
7 chapter.

8 Sec. 24.005. COMPLAINT; ENFORCEMENT. (a) A person
9 aggrieved by an unlawful employment practice under this chapter may
10 file a complaint with the commission in the manner provided under
11 Chapter 21. A complaint filed under this section is subject to
12 Subchapters E and F, Chapter 21.

13 (b) The commission shall enforce this chapter in accordance
14 with Chapter 21.

15 SECTION 2. The changes in law made by this Act apply only to
16 an unlawful employment practice that occurs on or after January 1,
17 2020.

18 SECTION 3. This Act takes effect January 1, 2020.